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Mr. Gerald E. Linden, Esq.
12925 La Rochelle Circle
West Palm Beach, FL 33410-1406

EXAMINER

SMITH, PETER J

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,293

Applicant(s)

SULL ET AL.

Examiner

Peter J Smith

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45, 69 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45, 69 and 70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/3/02, 1/3/03, 4/18/03, 11/1/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to communications: Restriction Election filed 12/27/2004.
2. Group I, claims 1-45, 69, and 70, is elected. Claims 46-68 and 71-83 non-elected.
3. Claims 1-10, 13-22, and 25-32 are pending in the case. Claims 1, 9, 16, and 27 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-8, 10-14, 30-38, and 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999.**

Regarding independent claim 1, Brown discloses a multimedia bookmark, the multimedia bookmark having content information about a segment at the intermediate point in the abstract and col. 1 line 52 – col. 2 line 21. Brown discloses wherein a user can utilize the multimedia bookmark to access the segment without accessing the beginning of the multimedia file in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 2, Brown discloses a search mechanism that locates the segment in the multimedia file in col. 5 lines 10-19.

Regarding dependent claim 3, Brown discloses an access mechanism that reads the multimedia content at the segment designated by the multimedia bookmark in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 4, Brown discloses wherein the multimedia content is partial data related to a particular at least one segment in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 5, Brown discloses wherein the multimedia content is visual data comprising one or more frames of video in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 6, Brown discloses wherein the multimedia content is audio data in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 7, Brown discloses wherein the multimedia content is a string of characters in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 8, Brown discloses wherein the multimedia bookmark further comprises positional information about the segment in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 10, Brown discloses wherein the positional information includes an elapsed time in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 11, Brown discloses wherein the positional information includes a time code in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 12, Brown discloses wherein the multimedia content is contained on a local storage in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 13, Brown discloses wherein the local storage includes a database in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 14, Brown discloses wherein the multimedia file is stored on a device accessible via a network in fig. 1 and col. 4 lines 28-35.

Regarding independent claim 30, Brown discloses saving content information describing a segment in a multimedia bookmark in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 31, Brown discloses searching for a segment that matches content information criteria in col. 5 lines 10-19.

Regarding independent claim 32, Brown discloses accessing the segment multimedia content matching the content information criteria in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 33, Brown discloses selecting a multimedia selecting multimedia content from a server and playing the multimedia content downloaded from the server by a user in fig. 1, the abstract, and col. 1 line 52 – col. 2 line 21. Brown discloses receiving at a server an add-bookmark command from the user in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-44. Brown discloses saving content information pertaining to a segment of the multimedia content designated by the user in abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-44. Brown discloses displaying the bookmark position of the multimedia content in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 45-63. Brown discloses searching for a multimedia file satisfying search criteria of content information in col. 5 lines 10-19. Brown discloses accessing multimedia content starting from the segment having content information matching the search criteria in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 34, Brown discloses wherein the multimedia content is partial data related to a particular at least one segment in the abstract and col. 1 line 52 – col. 2 line 21.

Regarding dependent claim 35, Brown discloses wherein the multimedia content is visual data comprising one or more frames of video in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 36, Brown discloses wherein the multimedia content is audio data in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 37, Brown discloses wherein the multimedia content is a string of characters in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 38, Brown discloses wherein the multimedia bookmark further comprises positional information about the segment in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 40, Brown discloses wherein the positional information includes an elapsed time in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 41, Brown discloses wherein the positional information includes a time code in fig. 5, col. 1 line 52 – col. 2 line 21, and col. 5 lines 53-65.

Regarding dependent claim 42, Brown discloses wherein the multimedia content is contained on a local storage in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 43, Brown discloses wherein the local storage includes a database in fig. 1 and col. 4 lines 28-35.

Regarding dependent claim 44, Brown discloses wherein the multimedia file is stored on a device accessible via a network in fig. 1 and col. 4 lines 28-35.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. **Claims 15-29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter "Brown"), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Jain et al. (hereinafter "Jain"), US 6,567,980 B1 provisional filed 8/14/1997.**

Regarding dependent claim 15, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein

Art Unit: 2176

the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

Regarding independent claim 16, Brown teaches a segment of a file having a beginning point after the beginning point of a master file in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-63. Brown disclose a multimedia bookmark, the multimedia bookmark having content information about the segment in the abstract and col. 1 line 52 – col. 2 line 21. Brown discloses wherein the user can access the same segment on the master file and the variation file via the multimedia bookmark in the abstract, col. 1 line 52 – col. 2 line 21, and col. 15 lines 30-63.

Brown teaches partial streams of the master file, which are variation files, but these have the same end point as the master file end point. Thus, Brown does not teach a segment of a file having an end point before the end point of a master file which is designated by a user. Brown does teach that the user may bookmark points of interest in a multimedia content file in col. 15 lines 38 and 39. Brown also teaches in col. 17 lines 42-60 that a user may select a beginning and end point of a show extracted from a channel stream to save into a show variation file. Thus, Brown contains teachings which suggest a user may wish to define an end point for a variation file.

Jain specifically teaches creating and profiling variation files derived from a master file, wherein the variation file has a beginning point after the beginning point of the master file and an

Art Unit: 2176

end point before the end point of the master file that are designated by a user in col. 1 line 54 – col. 2 line 39, col. 4 lines 21-40, col. 6 lines 43 – col. 7 line 13, and col. 14 lines 1-6. Jain calls the beginning and end points of the variation files the in-times and out-times of the variation file. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have used the variation file teaching of Jain to have enabled non-linear access to any segment of the video as is taught by Jain in col. 1 lines 54-67.

Regarding dependent claim 17, Brown teaches a search mechanism that locates the segment in the multimedia file in col. 5 lines 10-19.

Regarding dependent claim 18, Brown teaches an access mechanism that reads the multimedia content at the segment designated by the multimedia bookmark in col. 1 line 52 – col. 2 line 21 and col. 15 lines 45-54.

Regarding dependent claim 19, Brown teaches wherein at least two variations are accessible from a network in col. 15 lines 30-63.

Regarding dependent claim 20, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

Regarding dependent claim 21, Brown teaches wherein the multimedia bookmark is accessible from a network in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 22, Brown teaches wherein the multimedia bookmark is stored in a database in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 23, Brown teaches wherein the multimedia bookmark is indexed in a search engine in col. 1 line 52 – col. 2 line 21 and col. 15 lines 30-63.

Regarding dependent claim 24, Brown does not teach metadata constructed and arranged to store a media profile for each variation file, the media profile containing offset information representing a start time and an end time of the segment that is correlated with the master file. Jain does teach metadata constructed and arranged to store a media profile for each variation file, the media profile containing offset information representing a start time and an end time of the segment that is correlated with the master file in col. 1 line 54 – col. 2 line 39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have constructed media profiles for each variation file so that the variation files could have been easily shared with other users as is taught by Jain in col. 12 line 60 – col. 13 line 33.

Regarding dependent claim 25, Brown does not teach wherein the offset information of a variation file is calculated by aligning a referential segment between two different time points from the master file and the variation file. Jain does teach wherein the offset information of a variation file is calculated by aligning a referential segment between two different time points from the master file and the variation file in col. 4 lines 21-40, col. 6 lines 43 – col. 7 line 13, and

Art Unit: 2176

col. 14 lines 1-6. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have used the variation file teaching of Jain to have enabled non-linear access to any segment of the video as is taught by Jain in col. 1 lines 54-67.

Regarding dependent claim 26, Brown teaches wherein the master file is video in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claim 27, Brown teaches wherein the referential segment is between two successive shot boundaries in fig. 4, col. 1 line 52 – col. 2 line 21, and col. 5 lines 20-52.

Regarding dependent claims 28 and 29, Brown teaches that a user may create multiple multimedia bookmarks for a single file in col. 15 lines 30-63. Brown does not teach that a bookmark can be copied or emailed. Jain teaches in col. 13 lines 24-28 that time-code metadata, or multimedia bookmarks, may be copied and emailed. Jain teaches in col. 13 lines 24-28 that this is advantageous so that the multimedia file and metadata can be shared with another person. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Jain to have created the claimed invention. It would have been obvious and desirable to have modified the multimedia bookmarks to have been copied and emailed so that the multimedia files could have been shared with other people from the original creators of the multimedia bookmarks.

Regarding dependent claim 45, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia

Art Unit: 2176

content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the network is the Internet. Jain does teach wherein the network is the Internet in col. 2 lines 9-16. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used the teachings of Jain to have modified Brown to have functioned on the Internet. This modification would have enabled users to have leveraged the benefits of the Internet for transmitting video as is taught by Jain in col. 1 line 36 – col. 2 line 39.

8. Claims 9 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Swenson et al. (hereinafter “Swenson”), US 6,064,380 filed 11/17/1997.

Regarding dependent claim 9, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the position information is a URI. Swenson does teach wherein position information is a URI in fig. 3, fig. 4, and col. 4 line 65 – col. 5 line 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Swenson to have created the claimed invention. It would have been obvious and desirable to have used to the URI position information teaching of Swenson to have improved Brown so that a user could have selected a hyperlink to the intermediate segment through use of a hyperlink as is taught by Swenson. This would have enabled the user to have continued a streaming multimedia segment where it was left off.

Regarding dependent claim 39, Brown teaches a multimedia program bookmarking system in a computer environment in col. 3 lines 49-50. Brown teaches that the multimedia content may be in MPEG format in col. 3 line 64 – col. 4 line 27. Brown does not teach wherein the position information is a URI. Swenson does teach wherein position information is a URI in fig. 3, fig. 4, and col. 4 line 65 – col. 5 line 24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Swenson to have created the claimed invention. It would have been obvious and desirable to have used to the URI position information teaching of Swenson to have improved Brown so that a user could have selected a hyperlink to the intermediate segment through use of a hyperlink as is taught by Swenson. This would have enabled the user to have continued a streaming multimedia segment where it was left off.

9. Claims 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (hereinafter “Brown”), US 6,868,225 B1 provisional application filed 3/30/1999 in view of Hsu et al. (hereinafter “Hsu”), US 6,757,273 B1 filed 2/7/2000.

Regarding independent claim 69, Brown teaches submitting a multimedia bookmark and a request for multimedia playback from a client device to a server in the abstract and col. 1 line 52 – col. 2 line 21. Brown teaches streaming the multimedia content from a multimedia server to a client device in the abstract and col. 1 line 52 – col. 2 line 21. Brown teaches managing the multimedia bookmarks in col. 15 lines 30-63. Brown does not teach wherein the client device is a mobile device, determining a bit rate suitable for transmission of the

Art Unit: 2176

multimedia content to the mobile device, and calculating a new multimedia bookmark based on the transmission bit rate and characteristics of the mobile device.

Hsu does teach streaming a multimedia file to a mobile device and determining a variable bit rate for streaming the multimedia file in col. 2 lines 1-44. Hsu teaches a mobile switching center in a radio network communication system for providing the streaming content to the mobile device in fig. 4 and col. 6 line 62 – col. 7 line 18. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Hsu to have created the claimed invention. This combination of teachings would have necessitated the need for a new multimedia bookmark adapted to the new bit rate transmission of the multimedia content to the mobile client device. It would have been obvious and desirable to have used the teaching of multimedia steaming to mobile client devices as is taught by Hsu to have enhanced the multimedia streaming network taught by Brown. This would have enabled Brown to have served multimedia content to a wider variety of users both through wireline and wireless networks as is taught by Hsu in col. 2 lines 1-44.

Regarding dependent claim 70, Brown does not teach wherein the client device is a mobile device. Hsu does teach wherein the client device is a personal digital assistant in col. 2 lines 1-44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Brown and Hsu to have created the claimed invention. It would have been obvious and desirable to have used the personal digital assistant as taught by Hsu to have acted as the client device to have received the streaming multimedia content so that the end user could have received multimedia content via the wireless network as taught by Hsu in col. 2 lines 1-44.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Abbott et al., US 5,973,679 division of application filed 12/11/1995 discloses media stream indexing by mapping from time to data position, thus enabling data delivery at any selected time in the program material. Abbott et al., US 6,665,933 B1 filed 9/21/1999 discloses media stream indexing by mapping from time to data position, thus enabling data delivery at any selected time in the program material. Thum et al., US 6,616,700 B1 filed 1/7/2000 discloses converting video to multiple markup-language presentations. Warnick et al., US 6,195,458 B1 filed 7/29/1997 discloses content-based temporal segmentation of video. Davis et al., US 5,969,716 filed 8/6/1996 discloses time-based media processing. Dimitrova, US 6,363,380 B1 filed 1/13/1998 discloses a multimedia computer system with story segmentation capability. Eckart et al., US 6,693,959 B1 filed 3/3/2000 discloses indexing and locating key frames in streaming and variable-frame-length data. Tan et al., US 6,075,576 filed 2/26/1998 discloses time stamping and synchronization of multiple video object planes. Puranik et al., US 6,859,838 B1 filed 5/4/2000 discloses a media player with programmable playlists.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS

7/5/2005

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
7/6/2005